



**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR :::: GUWAHATI-06**

No.ABP.180/2017/211

Dated Dispur, the 21st May, 2022.

OFFICE MEMORANDUM

**SUB : RESERVATION OF POSTS FOR PERSONS WITH BENCHMARK
DISABILITIES AND OTHER CONCESSIONS.**

In pursuance of the Right of Persons with Disabilities Act, 2016 and in supersession of Office Memorandum issued in this regard vide No.ABP.180/2017/105 dated 07.01.2019, the following instructions are issued regarding reservation for Persons with Benchmark Disabilities as defined under Section 2(r) of the Act against the posts and services of the State Government.

2. QUANTUM OF RESERVATION

2.1 In case of direct recruitment, four percent of the total number of posts to be filled up by direct recruitment, in the cadre strength in each group of posts i.e., Grade-I, Grade-II, Grade-III and Grade-IV shall be reserved for Persons with Benchmark Disabilities.

Benefits of reservation in promotion for Persons with Benchmark Disabilities will also be available in the cadre strength in each group of post i.e. Grade-I, Grade-II, Grade-III and Grade-IV, where four percent of the total number of posts shall be reserved for Persons with Benchmark Disabilities **provided that the posts are identified and suitable for Persons with Benchmark Disabilities.**

2.2 Against the posts identified for each disabilities, of which, one percent each shall be reserved for Persons with Benchmark disabilities under clauses (a), (b) and (c) and one percent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 herein under:-

- (a) blindness and low vision;
- (b) deaf and hard of hearing;
- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- (d) autism, intellectual disability, specific learning disability and mental illness;
- (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

3. EXEMPTION FROM RESERVATION

If any Department in the State Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for Persons with Benchmark Disabilities, it shall make a reference to the Department of Social Welfare giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Commissioner for Persons with Disabilities (CPD) may exempt any establishment or any cadre(s) fully or partly from the provisions of reservation for Persons with Benchmark Disabilities.

4. ADJUSTMENT AGAINST UNRESERVED POSTS

4.1 In the category of posts which are identified suitable for Persons with Benchmark Disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment/promotion against an unreserved post. Thus a person with benchmark disability can be appointed by direct recruitment/promotion against post not specifically reserved for the Persons with Benchmark Disabilities, provided that the post is identified suitable for Persons with Benchmark Disabilities of the relevant category.

4.2 Persons with Benchmark Disabilities selected without relaxed standards alongwith other candidates, will not be adjusted against the reserved share of posts. The reserved posts will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards.

5. CERTIFICATE OF DISABILITY:

A person who wants to avail the benefits of reservation will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such person for any post, will be subject to such verification/re-verification as may be decided by the competent authority.

6. COMPUTATION OF NUMBER OF POSTS TO BE RESERVED:

The number of posts to be reserved for Persons with Benchmark Disabilities in case of each group of posts i.e. Grade-I, Grade-II, Grade-III & Grade-IV shall be computed on the basis of total number of posts in the cadre strength of each posts in the establishment, provided that the post is identified suitable for them.

7. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:

7.1 Every Government establishment shall maintain a separate post based reservation roster register as per format in **Annexure** for determining / effecting reservation for the Persons with Benchmark Disabilities - one each for direct recruitment and promotion.

7.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

- 1st Block - point No. 01 to point No. 25
- 2nd Block - point No. 26 to point No. 50
- 3rd Block - point No. 51 to point No. 75
- 4th Block - point No. 76 to point No. 100

7.3 Since the reservation for Persons with Benchmark Disabilities is **Horizontal**, the Head of the establishment shall decide the placement of the selected candidates in the roster register.

7.4 One point of each Block shall be treated as reserved for the respective category of the Persons with Benchmark Disabilities and filled up as such.

7.5 There is a possibility that none of the posts from 1 to 25 is suitable for any category of the Person with Benchmark Disabilities. In that case, two posts from 26 to 50 shall be filled as reserved for Persons with Benchmark Disabilities. If the posts from 26 to 50 are also not suitable for any category, three posts shall be filled as reserved from the third block containing points from 51 to 75. This means that if no post can be reserved in a particular block, it shall be carried over into the next block.

7.6 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

8. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT/PROMOTION:

8.1 Where, in any recruitment year, any post cannot be filled up due to non availability of a suitable person with benchmark disability or for any other sufficient reason, such post alongwith category of reservation shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the following four categories of disabilities, at one percent each to each category.

(i) Category A

(a) blindness and low vision;

(ii) Category B

(b) deaf and hard of hearing;

(iii) Category C

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(iv) Category D

(d) autism, intellectual disability, specific learning disability and mental illness.

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

8.2 If the nature of post in an establishment is such that a given category of person cannot be employed, the post may be interchanged among the above mentioned four categories with the prior approval of the Social Welfare Department.

8.3 If any vacancy to a post reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a '**backlog reserved vacancy**' to the subsequent recruitment year.

8.4 In the subsequent recruitment year, the '**backlog reserved vacancy**' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation.

8.5 In case of reservation in promotion for Persons with Benchmark Disabilities, if a vacancy to a post belonging to Persons with Benchmark Disabilities arises in a particular year and the same cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, the same shall remain unfilled for two consecutive years. In case, if sufficient number of candidates belonging to Persons with Benchmark Disabilities are not available for promotion against the posts reserved for them and if the posts cannot be allowed to remain vacant on grounds of maintaining efficiency in administration, the appointing authority may with full justification, refer the vacancy to the Social Welfare Department for de-reservation, subject to the condition that no candidate belonging to Persons with Benchmark Disabilities is available within the zone of consideration placed before the Annual Selection Committee/ Departmental Promotion Committee for two consecutive years. In other words, the concerned department may move the proposal for de-reservation in the third year only.

8.6 Inter se exchange in respect of category of disability will also be applicable in case of reservation in promotion.

9. **HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:**

9.1 Reservation for backward classes of citizens i.e SC/ST/OBC/MOBC is called **vertical reservation** and the reservation for categories such as Persons with Benchmark Disabilities and Ex-Servicemen is called **horizontal reservation**. Horizontal reservation cuts across vertical reservation (in what is called interlocking-reservation) and persons selected against the quota for Persons with Benchmark Disabilities have to be placed in the appropriate category viz. SC/ST/OBC/MOBC/Unreserved depending upon the category to which they belong in the roster meant for reservation of SC/ST/OBC/MOBC/Unreserved. To illustrate, if in a given year there are two vacancies reserved for the Persons with Benchmark Disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and the other belongs to Unreserved category, then the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant reservation roster. In case, none of the vacancies falls on point

reserved for the SC, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

9.2 Since the Persons with Benchmark Disabilities have to be placed in the appropriate category viz. SC/ST/OBC/MOBC/Unreserved in the roster meant for reservation of SC/ST/OBC/MOBC/UR, the candidates need to indicate whether they belong to SC/ST/OBC/MOBC or Unreserved in the application form. **Thus, reservation for Persons with Benchmark Disabilities is horizontal.**

10. **CERTIFICATE BY REQUISITIONING AUTHORITY:**

10.1 In order to ensure proper implementation of the provisions of reservation for Persons with Benchmark Disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency -

"It is certified that the requirements of the 'THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' which has become effective from 19th day of April, 2017 and the policy relating to reservation for Persons with Benchmark Disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no..... of cycle no..... of 100 point reservation roster out of which number of posts are reserved for Persons with Benchmark Disabilities."

10.2 At the time of initial appointment against a post reserved for Persons with Benchmark Disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

11. **RELAXATION OF STANDARD OF SUITABILITY:**

11.1 If sufficient number of candidates with benchmark disabilities are not available on the basis of the general standard to fill all the posts reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining posts reserved for them provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.

11.2 Same relaxed standard should be applied for all the candidates with benchmark disabilities whether they belong to Unreserved/SC/ST/OBC/MOBC. No further relaxation of standards will be considered or admissible in favour of any candidate other than candidate belonging to Persons with Benchmark Disabilities.

12. **MEDICAL EXAMINATION:**

As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view.

13. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:**

The Departments shall continue to share data on representation of Persons with Benchmark Disabilities alongwith data on SC/ST/OBC/MOBC/UR in respect of posts/services under the State Government to (i) Social Welfare Department, (ii) Personnel (B) Department and (iii) ARTPPG Department as on 1st January of every year.

14. **MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:**

14.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

14.2 The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely -

- (a) date of complaint;
- (b) name of complainant;
- (c) the name of the establishment or person against whom the complaint is made;
- (d) gist of the complaint;
- (e) date of disposal by the Grievance Redressal Officer; and
- (f) any other information.

14.3 Any person aggrieved with any matter relating to discrimination in employment against any person with disability may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

14.4 Every complaint filed as per Para 14.3 above, shall be inquired into within two months of its registration and outcome thereof or action taken thereon shall be communicated to the complainant / person with benchmark disability.

15. All the Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.

Sd/- P.K. Borthakur, IAS
Additional Chief Secretary to the Govt. of Assam
Personnel Department

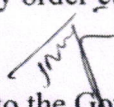
Dated Dispur, the 21st May, 2022.

Memo No.ABP.180/2017/211-A

Copy for information and necessary action to:

1. All Additional Chief Secretaries to the Government of Assam, Dispur.
2. The Chairman, Assam Administrative Tribunal, Guwahati, Assam.
3. All Principal Secretaries/ Commissioner & Secretaries/ Secretaries to the Govt. of Assam.
4. The Secretary to His Excellency the Governor of Assam.
5. The Secretary, Assam Public Service Commission, Khanapara-22.
6. All Commissioners of Divisions, Assam.
7. All Principal Secretaries to the Autonomous Councils.
8. All Deputy Commissioners.
9. The Staff Officer to the Chief Secretary, Assam, Dispur.
10. P.P.S. to the Hon'ble Chief Minister, Assam, Dispur
11. The P.S. to the Hon'ble Minister, Social Welfare Department, Assam.
12. The P.S. to the Hon'ble Minister.....
13. All Heads of Departments/All Departments of the Secretariat.
14. The Director, Assam Govt. Press, Guwahati-21 .

By order etc.


Secretary to the Govt. of Assam
Personnel Department


21/5/22

RESERVATION ROSTER FOR PERSONS WITH BENCHMARK DISABILITIES

Name of post:-

Year of recruitment	Cycle No	Point No	Identified suitable for person with benchmark disabilities covered under the following respective categories				Unreserved or reserved**	Name of the Person appointed and date of appointment by Direct Recruitment/Promotion	Whether the person belongs to SC/ST/OBC /MOBC/UR	Whether the person appointed is in a, b, c and (d & e) or none ***	Remarks
			a	b	c	(d&e)					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

Respective Categories

1st Category (a) blindness and low vision.

2nd Category (b) deaf and hard hearing.

3rd Category (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victim and muscular dystrophy.

4th Category (d) autism, intellectual disability, specific learning disability and mental illness (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

** If identified reserved, write a/b/c/(d & e) as the case may be, otherwise write UR

*** Write a/b/c/(d & e) or none, as the case may be.